

**From:** Graves, Brian  
**Sent:** Tuesday, September 23, 2014 11:29 AM  
**To:** R6 6WQ-SG;Brown, James;Kobelski, Bruce;Lawrence, Rob;Bates, William  
**Subject:** EPA Backs Texas Disposal Well Plan

# THE TEXAS TRIBUNE

## EPA Backs Texas Disposal Well Plan

by [Jim Malewitz](#) Sept. 23, 2014

Although leadership at the Texas Railroad Commission and U.S. Environmental Protection Agency often feuds, staff at each agency has found ways to work together, says Milton Rister, executive director of the Railroad Commission.

In their efforts to regulate the wells that hold Texas' oilfield waste, state officials have found a surprising ally: the federal Environmental Protection Agency.

Staffers at the federal agency – a popular political punching bag in Texas – have praised a Texas Railroad Commission proposal aimed at curbing earthquakes possibly triggered by the high-pressure injection of oil and gas waste into wells that plummet thousands of feet below ground.

“The proposed regulations were reviewed by multiple Ground Water/Underground Injection Control program engineers and scientists,” William Honker, who directs the water quality division in Dallas-based EPA Region 6, [wrote this month in a letter to the Railroad Commission](#). “All applauded the RRC’s efforts to ensure it has sufficient regulatory authority to respond to any event of the type where concerns may arise.”

The letter was [one of 18](#) that the commission, which is the state's oil and gas regulator, has received during a commenting period on the proposal that ends on Monday. It provides a glimpse of the behind-the-scenes collaboration between two agencies whose relationship often appears icy.

Railroad commissioners and EPA leaders “don’t always see eye-to-eye on policy,” said Milton Rister, executive director of the Railroad Commission, “but at the staff level, we’re engaged on day-to-day operations, specific instances and working together to try to make sure we’re doing what’s best for the people of Texas.”

The Railroad Commission’s [disposal well proposal](#) requires drillers to submit additional information – including data on a region's risk of earthquakes – when applying for a permit to drill a disposal well. The proposal also clarifies that the commission can slow or halt injections of waste into a problematic well. The number of disposal wells has exploded amid Texas’ drilling bonanza.

Texas has more than 3,600 active commercial disposal wells. In 2013, the Railroad Commission approved 668 permits for disposal wells, doubling the number of approvals in 2009, according to

state data. The trend corresponds with a surge of earthquakes in communities where such hazards were once unheard of.

Since Nov. 1, about three dozen earthquakes with a magnitude of 2.0 or higher have struck communities atop North Texas' oil-rich Barnett Shale, according to U.S. Geological Survey data. Some quakes were strong enough to crack home walls and foundations. Most of the quakes hit months ago, though three of them – accompanied by thunderous booms – rattled the Dallas-Fort Worth area this month, awaking some residents from sleep.

Drilling areas in South and West Texas have also seen an uptick in quakes. That includes a [3.2-magnitude tremor](#) that hit Atascosa County, just south of San Antonio, on Sept. 10.

As a [growing body of research](#) links the drilling of disposal wells to earthquakes, those affected – including the North Texas mayors of Azle and Reno – [initially criticized](#) what they described as a slow and disjointed response from the Railroad Commission.

In April, the agency [hired a seismologist](#) to study the issue and help shape the latest proposal.

In its letter, the EPA called the commission's plan "a step forward in allowing for an enhanced program authority to protect the citizens of Texas" and suggested a few technical tweaks related to the data and calculations that disposal well drillers would submit to the state.

Texas regulators have not always received such friendly correspondence from the EPA. The agencies' leaders have clashed on a number of issues, including federal efforts to regulate oil and gas production and [carbon emissions at power plants](#). During his time as Texas attorney general, [Greg Abbott](#), the Republican front-runner for governor, has sued the EPA at least 19 times. Those suits – several of which involve the Railroad Commission – make up more than half of Abbott's total portfolio of litigation against the federal government.

The Railroad Commission and the EPA have also sparred on the issue of groundwater contamination. In 2011, after the agencies [reached conflicting conclusions](#) on whether a Fort Worth driller [tainted a Parker County neighborhood's](#) water with methane, benzene and other substances, then-Commissioner [Elizabeth Ames Jones](#) said, "We'll see which is the real protection agency, and I'd say it's the Railroad Commission of Texas."

Ahead of the primary election for railroad commissioner in March, all four Republicans [trumpeted their disdain for the federal regulator](#).

Below the surface, however, the agencies' relationship is typically friendlier, Rister suggested in an interview.

"We collaborate back and forth. We try not to be adversarial at all," he said. "They know we have a job to do, and we know they have a job to do."

Rister applauded Ron Curry, who has been the administrator for EPA Region 6 since 2012, for trying to bring the agencies closer together.

"Since he's taken over as leader, he's reached out to Texas, and I'm pretty sure to the other states, to try to make sure we have open communication, and we've reciprocated," Rister said. "We'll leave the fighting to the bosses."

